

REMARKS

Claims 1, 4, 5, 7-9, 11, 12, 14, 15 and 23-25 are still pending in this application. Reconsideration of the application is earnestly requested.

Claims 1, 7, 11, 14 and 23

Claims 1, 7, 11, 14 and 23 require:

said alphanumeric message serving as a command input to said smart card used to control operation of said smart card.

Thus, the alphanumeric message is not simply a generic nonfunctional text message. It serves also as a command to the smart card and is used to control operation of the smart card. In particular, method claim 14 requires that the response message received at the handset is an alphanumeric SMS message used to control the smart card. None of the references disclose using an SMS message to control a smart card. The Office action alleges at page 11 that it would have been obvious to modify *Rankl* to use any standard means of transmission known at the time, and that SMS could have been used.

But, SMS is used to send text messages from one person to another person; *i.e.*, the message is intended for a human to read. There is no disclosure in any reference of using SMS messages, which contain human-readable words, to actually be destined for a microprocessor in a mobile telephone to be interpreted by that microprocessor. Applicant asserts that while SMS was known at the time to send a text message to a human, it would not have been obvious to think of sending a response message (as in claim 14, for example) not intended for a human, but intended for a microprocessor instead. Because SMS was designed to send messages to people, one of skill in the art would not have made the mental leap to think of using SMS to send a message to a microprocessor in a mobile telephone.

Applicant requests that the rejection of these claims 1, 7, 11, 14 and 23 be withdrawn.

Reconsideration of this application and issuance of a Notice of Allowance at an early date are respectfully requested. If the Examiner believes a telephone conference would in any way expedite prosecution, please do not hesitate to telephone the undersigned at (612) 252-3330.

Respectfully submitted,
BEYER WEAVER LLP

/Jonathan O. Scott/

Jonathan O. Scott
Registration No. 39,364

BEYER WEAVER LLP
P.O. Box 70250
Oakland, CA 94612-0250

Telephone: (612) 252-3330
Facsimile: (612) 825-6304